

BOARD OF REGISTERED NURSING

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CERTIFIED NURSE MIDWIVES

NEW AUTHORITY TO PROVIDE MEDICATIONS

Effective January 1, 2002

Senate Bill 298 (Chaptered 289) was signed into law by Governor Gray Davis on September 12, 2001, and will become effective January 1, 2002. This bill amends certified nurse midwifery furnishing practice to include schedule III, IV, and V, and schedule II controlled substances in hospital settings. The bill amends Business and Professions 2725.1 to include furnishing CNMs to dispense controlled substances and amends pharmacy law to allow signing for samples ordered by the supervising physician.

Furnishing of Controlled Substances

The new law becomes effective January 1, 2002 and requires the CNM who has a furnishing number to obtain a DEA registration number to "order" controlled substances Schedule II, III, IV and V.

"Drug order" or "order" means an order for medication or for a drug or device that is dispensed to or for an ultimate user issued by a certified nurse-midwife as an individual practitioner is treated in the same manner as a prescription of the supervising physician. All references to "prescription" include "drug orders" issued by a certified nurse-midwife, the signature of the certified nurse-midwife on a drug order shall be deemed to be the signature of a prescriber. (Refers to Section 1306.03 of Title 21 of the Code of Federal Regulation and the Health and Safety Code.)

The Drug Enforcement Administration (DEA) monitors all prescribers who write for controlled substances. All prescribers who write for controlled substances are required to register with the DEA and obtain a DEA registration number. **The CNM may not use the DEA number of the supervising physician.** Applications for a DEA registration number can be made after the effective date of January 1, 2002

Certified nurse midwives with a furnishing number are also required, in providing controlled substances, to operate under standardized procedures or protocols developed through collaboration amongst organized health care systems, administrators, and health professionals, including physicians, surgeons, and nurses.

Schedule II and III controlled substances furnished to patients must be in accord with patient specific protocols approved by the treating physician and surgeon.

CNMs may furnish schedule III, IV, V controlled substances rendered to essentially healthy persons in the following facilities: acute care hospitals, licensed birth centers, specialty maternity hospitals, clinics, physician offices, and student health centers. Schedule II controlled substances may be furnished in hospital setting only.

When the pharmacist requests, the CNM shall provide any licensed pharmacist a copy of the standardized procedure or protocol related to the furnishing or ordering of controlled substances.

Nothing in Business and Professions Code Section 2761.51 CNM furnishing, allows CNMs to furnish in solo CNM practice, under any circumstances.

Dispensing Medication

Business and Professions Code Section 2725.1 allows registered nurses to dispense (hand to patient) medication, except controlled substances, upon the valid order of a licensed physician in primary, community, and free clinics. January 2002, nurse-midwives may dispense, including controlled substances, pursuant to a standardized procedure or protocol in primary, community, and free clinics. Pharmacy law, Business and Professions Code Section 4060 is amended to include nurse midwives dispensing using required pharmacy containers and labeling.

Signing for Sample Medication

SB 298, Chapter 289, amends Pharmacy law, Business and Professions Code, Section 4061. The CNM who functions pursuant to standardized procedures, as described in 2746.51, may sign for delivery or receipt of a complimentary sample of a dangerous drug or dangerous device that has been requested in writing by his or her supervising physician. Each written request shall contain names and addresses of the supplier and the requesters, the name and quantity of the specific dangerous drug desired, the name of the certified nurse midwife, if applicable, receiving the sample, the date of receipt, and the name and quantity of the dangerous drug or dangerous devices provided.